

**Stafford County Utilities Commission**  
**Meeting Minutes**  
December 11, 2012

**I. Call to order**

Chairman Bill Tignor called to order the regular meeting of the Utilities Commission at the Utilities Administration Conference Room on December 11, 2012.

**II. Roll call**

The following members were present: Joyce Arndt, David Bohmke, Paul Gohmann, John Harris, Bob Hunt and Bill Tignor (Gordon Howard was absent). Harry Critzer, Dale Allen, Janet Spencer, Deidre Jett and Cheryl Giles were present for the Utilities Department.

**III. Public Presentations**

Residents of 11 Oak Lane and 1006 White Oak Road stated they would reserve comments until their item was discussed.

**IV. Approval of minutes**

The November 13, 2012 minutes were approved as written.

**V. Commission Members' Comments**

Mr. Harris commented he would defer his comments until after Old Business was discussed.

Mr. Tignor inquired if Stafford County was being affected by drought conditions the same as many other areas nationally. Ms. Critzer responded drought conditions are not affecting this area. The reservoirs are currently down a couple of inches. Mr. Harris asked if it was due to rainfall received from Hurricane Sandy. Mr. Critzer responded the reservoirs are full due to rainfalls received from Hurricane Sandy.

**VI. Director's Report**

Mr. Critzer reminded members that the Statement of Economic and Conflict of Interest forms were due on or before January 15, 2013 to the County Administration office.

**VII. New Business**

**Execute an Agreement with VDOT Governing the Relocation of Water & Sewer Utilities at Onville Road/Garrisonville Road Intersection**

Mr. Allen reported Utilities has asked VDOT to design betterments to the water and sewer system within the project limits. The cost of the improvements would be at cost to the County. The sewer is aimed at providing future capacity to Quantico. The water is part of an upgrade to the water transmission line on Garrisonville Road. VDOT is asking for payment prior to the start of construction. This project is beneficial to the county because VDOT designs the project and handles the traffic control.

Mr. Tignor asked if the betterments were part of the CIP. Mr. Allen responded the betterments were not part of the CIP but were a good opportunity to have the construction completed because the construction would be more costly after the VDOT project is completed.

Mr. Bohmke asked if the betterments match up with the increase at Quantico. Mr. Allen responded that the larger pipe sizes will accommodate the expected increased flows from Quantico.

Mr. Hunt made a motion to recommend approval of proposed resolution R12-377. The motion was seconded by Mr. Bohmke and passed with a 6-0 vote.

**Pump and Haul at 11 Oak Lane**

Mr. Allen provided background information about the Pump and Haul program. Mr. Allen reported that the property at 11 Oak Lane was purchased as a foreclosure. The owners were aware that there was an issue with the on-site system when it was purchased. Two evaluations were completed. One was done by the Health Department and the other was done by an AOSE. The owners have requested non-subsidized pump and haul. Based upon an interpretation of the criteria in the non-subsidized policy that there be a history of occupation, staff recommends denial of non-subsidized pump and haul because it was vacant during the foreclosure process. Mr. Allen distributed a list of current non-subsidized customers.

Mr. Bui, owner of 11 Oak Lane, commented that the house was purchased for his parents. He explained that the listing agent told them there were issues with the septic system. He contacted a septic system inspector to inspect the system. The inspector informed him that the tank was fine but there were drainage problems. Three out of the four drainfields were inoperable. Mr. Bui spoke with Tommy Thompson of the Health Dept. and was informed that a conventional septic tank could not be placed on the property because it would be a health code violation. Mr. Bui commented that he would like to make the property livable and requests the Commission approve pump and haul services for the property.

Mr. Tignor commented that the Commission provides recommendations to the Board of Supervisors, but does not provide approval for pump and haul services to properties.

Mr. Hunt asked about the difference between the non-subsidized and subsidized policy. Mr. Allen explained that non-subsidized would be at the owner's expense at an estimated cost of \$400 - \$600 per month. The subsidized is when the County bills the owner for sewer at an average cost of \$40 per month and the County subsidizes the remaining amount.

Mr. Bohmke inquired about the residential customers listed on the non-subsidized customers list. Mr. Allen responded that those customers were on the list because qualifications to be subsidized customers were not met.

Discussion ensued about supervision of the pump and haul program and about changing the language in the policy to help protect applicants who purchase a property with existing septic system or drainfield issues.

Mr. Hunt made a motion that staff prepare a resolution for the Board to approve that the property be placed on subsidized pump and haul program.

Ms. Arndt commented that the program needs to be re-examined because when a property has problems that have been recorded, it can still be resold by real estate agents without the purchaser's knowledge. It needs to be determined whose responsibility it is to handle the problems when they occur.

Mr. Tignor commented that if the property is approved for the subsidized program, a condition should be added to make the seller accountable for selling a property with existing septic system problems.

Mr. Harris asked if the Commission supports the staff's recommendation for denial of non-subsidized service, what recourse would the applicant have. Mr. Allen responded the applicants would have to appeal their case to the Board of Supervisors. The Health Dept. will not preclude the owners from moving into the house because it currently has no sewage back-up in the house. The Health Dept. is aware of the problem and would regularly check the site. If the system fails, then the owners would have to come back to request pump and haul services.

The motion to recommend that the Board approve the property for subsidized pump and haul was seconded by Mr. Gohmann and passed with a 5-1 vote. Mr. Bohmke was the opposing vote.

Mr. Harris made a motion that staff draft a document that has appropriate language to advise and protect the buyer and seller regarding existing septic system issues and forward it to the Board of Supervisors for consideration. The motion was seconded by Mr. Hunt and passed with a 6-0 vote.

#### **Pump and Haul at 1006 White Oak Road**

Mr. Allen reported this pump and haul request is similar to the request for 11 Oak Lane. The property was purchased as a foreclosure. After the purchase, the owner discovered that the existing on-site sewage disposal system failed and there was no means of repair. There were several soil evaluations completed that reported drainfield failures. One of the evaluations approved the drainfield, which is the one the seller disclosed to the owner. Staff recommended denial for non-subsidized pump and haul because the property fails the history of occupation requirement because it was vacant during the foreclosure.

Mr. Gohmann asked if there is a period of time specified in the policy that a property should be occupied. Mr. Allen responded that it does not specify a specific amount of time, but only that the property have a history of occupation.

Ray Barnett, the owner of 1006 White Oak Road, commented he has moved forward with holding the seller and real estate agent accountable for selling the property without disclosing the drainfield issues. He has contacted the Department of Professional and Occupational Regulation to handle the case. He was told the house would perc for a one or two bedroom home; however, the condition of the septic system and the lines were dilapidated. He explained that the owner of the company that completed the evaluation approving the

drainfield agreed to provide pump and haul services for one year to avoid litigation. That service will end in June 2013.

Discussion ensued about the possibility of an alternative on-site sewage disposal system. Following the discussion, Mr. Harris made a motion to recommend approval of R12-385, which would authorize the County Administrator to provide subsidized pump and haul at 1006 White Oak Road.

Mr. Tignor asked how long does the pump and haul agreement last. Mr. Allen responded that it lasts for 10 years and then the option to renew and re-evaluate the system is completed.

Mr. Bohmke commented that legal recourse is an option for this property and maybe some type of middle ground can be met to be fair to the citizen and to not set a precedent for the pump and haul program.

Ms. Arndt asked if the pump and haul is transferrable when the owner moves. Mr. Allen responded that the pump and haul can be transferred to the new owner.

Mr. Hunt commented that the county should have a vested interest in making sure owners get some type of support in receiving legal action so the issue is not passed onto another resident.

Discussion ensued about amending the motion to approve subsidized pump and haul but to include revisiting the issue after 3 to 5 years. It was determined the commission should be consistent in their recommendation as with the pump and haul recommendation for 11 Oak Lane.

The motion made by Mr. Harris to recommend approval of R12-385 was seconded by Mr. Gohmann and passed with a 5-1 vote. Mr. Bohmke was the opposing vote.

Mr. Hunt suggested that pump and haul be a standing item for discussion on the agenda.

**Public Hearing to Consider Vacating an Existing Water Line & Sewer Line Easement**

Mr. Allen reported that public hearings to vacate an existing water line easement for the 342 Phase 2 Water Transmission Line project and an existing sewer line easement for the Route 1 North Sewer Replacement project are needed to complete construction improvements. The easements will be more favorable for construction for the county and property owners.

Mr. Bohmke made a motion to recommend approval of R12-380, which would authorize the County Administrator to advertise a public hearing to consider vacating an existing water line easement and approval of R12-382, which would authorize the County Administrator to advertise a public hearing to consider vacating an existing sewer line easement. The motion was seconded by Mr. Gohmann and passed with a 6-0 vote.

**Old Business**

**Utilities Rate Study**

Ms. Jett reported that staff will meet with the consultants on December 14<sup>th</sup> to go over the preliminary results of the study.

**Financial Overview of the Rocky Pen Run Reservoir Project**

Ms. Jett reported that the expected totals remain the same. Project expenditures have increased by about \$4M in November. Of those costs, \$1.3M were for the treatment plant and \$2.4M were for the dam. There is \$24M remaining in bond proceeds.

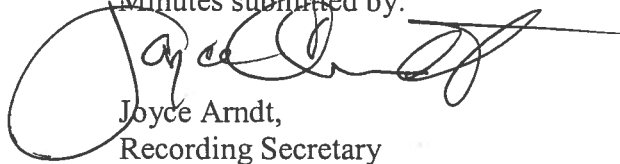
Mr. Tignor inquired about the clearing at Rocky Pen Run. Mr. Allen responded that it is going very well and that over 50 acres have been timbered.

Mr. Harris suggested that meetings be held in the Board of Supervisors chambers as a convenience to the public. It was agreed by the commission that staff would check the availability of the room. If the room was available, the regular monthly meetings would be held in the Board chambers.

**VIII. Adjournment**

There being no further business, Mr. Tignor adjourned the meeting at 8:25pm.

Minutes submitted by:



Joyce Arndt,  
Recording Secretary